

KAPLAN, ST

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORKGENCO IMPORTING INC. d/b/a MANITOBA'S
and RICHARD MANITOBA,

Plaintiffs,

vs.

CITY OF NEW YORK and EMILY LLOYD, in
her capacity as Commissioner of the New York
City Department of Environmental Protection and
as Chairman of the New York City Environmental
Control Board,

Defendants.

AMENDED
CASE MANAGEMENT ORDER

Civil Action No. 07-3560 (LAK)

CONSENT SCHEDULING ORDER

1. No additional parties may be joined after May 16, 2008.
2. No amendments to the pleadings will be permitted after June 15, 2008.
3. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - a. Expert witnesses on or before October 24, 2008.
 - b. Rebuttal expert witnesses on or before December 5, 2008.
4. All discovery, including any depositions of experts, shall be completed on or before January 30, 2009.
5. A joint pretrial order in the form prescribed in Judge Kaplan's individual rules shall be filed on or before February 27, 2009.
6. No motion for summary judgment shall be served after the deadline fixed for submission of the pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order.
7. If any party claims a right to trial by jury, proposed *voir dire* questions and jury instructions shall be filed with the joint pretrial order.
8. Each party or group of parties aligned in interest shall submit not less than ten (10) days prior to trial (a) a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial, and (b) any motions in limine.

| |
|----------------------|
| USDS SDNY |
| DOCUMENT |
| ELECTRONICALLY FILED |
| DOC #: |
| DATE FILED: 7/22/08 |

9. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the date hereof. Counsel should not assume that extensions will be granted as a matter of routine.

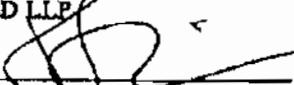
Dated: July 21, 2008



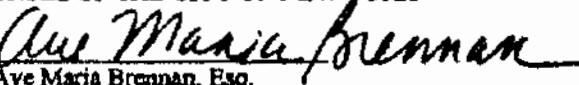
Lewis A. Kaplan
United States District Judge

CONSENTED TO:

AKIN GUMP STRAUSS HAUER
& FELD LLP

By: 
Jason W. Sunshine, Esq.
590 Madison Avenue
New York, New York 10022

OFFICE OF THE CORPORATION
COUNSEL OF THE CITY OF NEW YORK

By: 
Ave Maria Brennan, Esq.
100 Church Street
New York, New York 10007